IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4493 OF 2005

Hemendra Bhogilal Shah. ... Applicant.
Versus.
Ashok Jain @ Sirohia & anr. ... Respondents.

Shri M.K.Kocharekar for the Applicant.

Shri Vaishnawa i/by M/s.N.N.Vaishnawa Co. for the Respondent No.1.

Shri U.V.Nikam, A.P.P. for the Respondent-State.

CORAM : ABHAY S. OKA, J.

DATED : 10th August, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the Respondent No.1 and the learned A.P.P. for State.

2. The prayer in this Application is for cancellation of the anticipatory bail granted in favour of the Respondent No.1 by order dated 21st June 2005. While granting anticipatory bail, the learned Sessions Judge has directed the Respondent No.1 to attend the Police Station whenever required and he was directed to cooperate with the investigation.,

3. The contention of the Applicant is that the Respondent No.1 is not cooperating for investigation. He submitted that if the Respondent No.1 is not

cooperating for investigation, it is obvious that he has committed breach of the condition imposed by the Sessions Court while granting anticipatory bail. The learned A.P.P. for State has produced for my perusal entry in the station diary made on 19th July 2005 which records that the Respondent No.1 has not disclosed the name of the company to whom the goods purchased by him have been sold. The learned Counsel appearing for the Respondent No.1 has relied upon the affidavit-in-reply and submitted that the Respondent No.1 has cooperated for the investigation.

4. I have considered the submissions. It is not the case of the Police that the Respondent No.1 has not attended the Police Station. A vague entry has been made in the station diary that the Respondent No.1 is not disclosing the desired information. Considering the averments made in the affidavit-in-reply filed by the Respondent No.1 and considering the nature of accusation in the complaint, no case is made out for cancellation of the anticipatory bail which was granted on 21st June 2005. The Application is rejected.

Judge.